

1 TORRANCE CITY ATTORNEY'S OFFICE  
John L. Fellows III (State Bar No. 103968)  
2 City Attorney  
jfellows@TorranceCA.gov  
3 Della Thompson-Bell (State Bar No. 224846)  
Deputy City Attorney  
4 dthompsonbell@TorranceCA.Gov  
3031 Torrance Boulevard  
5 Torrance, CA 90503  
Telephone: 310-618-5810  
6 Facsimile: 310-618-5813

7 RUTAN & TUCKER, LLP  
Robert S. Bower (State Bar No. 70234)  
8 rbower@rutan.com  
Ajit S. Thind (State Bar No. 268018)  
9 athind@rutan.com  
611 Anton Boulevard, Fourteenth Floor  
10 Costa Mesa, California 92626-1931  
Telephone: 714-641-5100  
11 Facsimile: 714-546-9035

12 Attorneys for Defendant  
TORRANCE POLICE DEPARTMENT

13  
14 UNITED STATES DISTRICT COURT

15 CENTRAL DISTRICT OF CALIFORNIA  
16

17 ROBERT THOMSON,

18 Plaintiff,

19 vs.  
20

21 TORRANCE POLICE DEPARTMENT  
and THE LOS ANGELES COUNTY  
22 SHERIFFS DEPARTMENT,

23 Defendants.  
24  
25  
26  
27  
28

Case No. CV11-06154 SJO (JCx)  
Date Action Filed: July 26, 2011

Assigned to:  
U.S. District Judge S. James Otero

**DEFENDANT TORRANCE POLICE  
DEPARTMENT'S STATEMENT OF  
GENUINE DISPUTES OF MATERIAL  
FACTS**

[Filed Concurrently With Torrance Police  
Department's Memorandum of Points and  
Authorities in Opposition to Plaintiff's  
Motion for Summary Judgment and  
Declaration of Ajit Singh Thind]

Motion Hearing Date: Feb. 27, 2012  
Time: 10:00 a.m.  
Courtroom: 1- 2nd Floor  
Location: Spring Street

**TPD'S STATEMENT OF GENUINE DISPUTES OF MATERIAL FACT.**

Pursuant to Local Rule 56-2 of the Central District Court, Defendant TORRANCE POLICE DEPARTMENT ( "TPD") hereby submits this Statement of Genuine Disputes in response to Plaintiff ROBERT THOMSON'S ("Plaintiff") Separate Statement of Undisputed Facts Lodged Concurrently with Motion for Summary Judgment:

In this Statement, TPD responds to each of the "undisputed material facts" identified in Plaintiff's Separate Statement of Undisputed Facts:

**TPD'S RESPONSES TO PLAINTIFF'S STATEMENT OF UNDISPUTED MATERIAL FACT**

<b>UNDISPUTED MATERIAL FACTS AND SUPPORTING EVIDENCE</b>	<b>RESPONSE IN OPPOSITION</b>
<p>1. The California Legislative scheme requires a CCW Permit to enable Plaintiff to possess a functional firearm for self-defense purposes outside of the home. (Penal Codes 26350 (Open Carry), 12031 (Loaded) &amp; 12025 (Concealed).)</p>	<p>This is not a "fact," but rather is a legal conclusion, as demonstrated by Plaintiff's statutory citations.</p> <p>The legal conclusion is also incomplete and incorrect, and is disputed as detailed in TPD's Motion for Summary Judgment and TPD's Opposition to Plaintiff's Motion for Summary Judgment. The California Legislative scheme provides for a variety of scenarios where Plaintiff may carry a handgun for self-defense outside of his home without a CCW. This was true</p>

1	<b>UNDISPUTED MATERIAL FACTS AND SUPPORTING EVIDENCE</b>	<b>RESPONSE IN OPPOSITION</b>
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14	2. Plaintiff applied with the Torrance Police Department (TPD) and Los Angeles County Sheriff's (LASD) Department for a permit to carry a concealed weapon pursuant to Cal. Pen. Code Section 12050. Plaintiff was denied a permit because he did not meet the Good Cause Policy of either Department. (Stipulated facts from Joint Report of Counsel.)	Undisputed.
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26	3. Defendants require documentation of	Undisputed, but incomplete. To
27		
28		

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNDISPUTED MATERIAL FACTS  
AND SUPPORTING EVIDENCE**

a Clear and Present Danger to the  
applicant before they will issue a CCW  
Permit. (Defendants Initial Disclosures.)

**RESPONSE IN OPPOSITION**

establish good cause, TPD's policy not  
only requires that the applicant is  
dealing with circumstances that  
distinguish the applicant from other  
members of the public, in that there is a  
clear, present, and documented danger to  
the applicant, but also requires that an  
applicant demonstrate that there are no  
feasible alternative means of protection,  
either through existing law enforcement  
resources or under the provisions of  
California Penal Code section 12031,  
which carve out a number of exceptions  
that allow individuals to possess and  
carry firearms in public settings for self-  
defense and defense of property. (Neu  
Decl. ¶¶ 2, 9, and Ex. A.)

Dated: February 3, 2012

RUTAN & TUCKER, LLP  
ROBERT S. BOWER  
AJIT S. THIND

By: 

Ajit S. Thind  
Attorneys for Defendant  
TORRANCE POLICE DEPARTMENT  
Case No. CV11-06154 SJO (JCx)  
TPD'S STATEMENT OF GENUINE  
DISPUTES